

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Enduracon Technologies, LLC,

Case No. 23-cv-437 (KMM/TNL)

Plaintiff,

v.

ORDER

ISE Logik Industries, Inc., ABC Polymer
Industries, LLC,

Defendants.

Plaintiff Enduracon Technologies, LLC, filed this lawsuit seeking a declaration that the Minnesota Termination of Sales Representative Agreements (MTSRA) applies to its agreements with the two defendants, ISE Logik Industries, Inc. and ABC Industries, LLC, and an order compelling arbitration regarding their disputes. [Dkt. No. 1.] On May 25, 2023, the Court held a hearing on ABC's Motion to Dismiss, Sever, or Stay [Dkt. No. 17] and ISE's Motion to Transfer or Stay [Dkt. No. 25.] From the bench and in a short follow-up order the Court denied ABC's motion to the extent it sought dismissal for lack of jurisdiction and granted ABC's motion to the extent it sought a stay of the pending arbitration proceeding. [See Dkt. Nos. 47, 50, 52.] The Court took ISE's Motion to Transfer under advisement to allow Judge McNeel in the Southern District of Mississippi to rule on Enduracon's Motion to Transfer and Motion to Dismiss.

On June 22, 2023, Judge McNeel granted Enduracon's Motion to Dismiss and held that the Southern District of Mississippi lacks personal jurisdiction over Enduracon. [Dkt. Nos. 54, 55.] Accordingly, the Court **DENIES as moot** ISE's Motion to Transfer. This

Court is unable to transfer a case to a district court that has no jurisdiction over the defendant.

Even if it were not moot, the Court would still deny the motion because transfer does not “best serv[e] the interests of justice” in this case. *Nw. Airlines, Inc. v. Am. Airlines, Inc.*, 989 F.2d 1002, 1005 (8th Cir. 1993). ISE was on notice about the dispute between Enduracon, ISE, and ABC, and the lawsuit it filed in the Southern District of Mississippi appears to be more of a preemptive strike than an action filed by the “true plaintiff.” *Id.* at 1007. And even if, as ISE suggests, it might appeal Judge McNeel’s ruling on personal jurisdiction, it makes no sense to keep open the question of transfer indefinitely while the litigation in this district is underway.

In its previous order, the Court enjoined Enduracon’s pending arbitration against ABC and ISE until it is asked by the parties to determine the question of arbitrability on the merits, and that order remains in effect. The Court understands that discovery in this case is ongoing and that the parties have a pretrial conference set for August 4, 2023 before Judge Leung.

ORDER

For the foregoing reasons, **IT IS HEREBY ORDERED** that ISE’s Motion to Transfer or Stay [Dkt. No. 25] is **DENIED**.

Date: June 28, 2023

s/ Katherine Menendez
Katherine Menendez
United States District Judge